

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JOHN RIDDLE, Individually and on
Behalf of Others Similarly Situated

CIVIL ACTION NO.: 16-433
COLLECTIVE ACTION

v.

JUDGE: DRELL

DETEL WIRELESS, LLC

MAG. JUDGE: PEREZ-MONTES

**JOINT MOTION TO APPROVE SETTLEMENT
AND FOR DISMISSAL OF ALL CLAIMS**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, John Riddle, and Defendant, Detel Wireless, LLC (“Detel”), who hereby represent to the Court that they have resolved the issues in this matter in their entirety and respectfully request: (a) that the Court approve the parties’ confidential settlement and release agreement (“Agreement”) under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201, *et seq.* (“FLSA”), and (b) dismiss this lawsuit with prejudice. In support of this motion, the parties state:

1.

On April 1, 2016, Plaintiff, on behalf of himself and all others similarly situated, filed this lawsuit against Detel, seeking alleged unpaid overtime pay, plus liquidated damages and attorneys’ fees, for purported violations of the FLSA.

2.

Detel denies any wrongdoing or liability and denies Plaintiff is entitled to any recovery under any provision of law, including but not limited to the FLSA. Detel

asserts that it properly paid Plaintiff and all others similarly situated for all hours worked, including any overtime wages, in accordance with the FLSA.

3.

On June 21, 2016, the parties jointly requested that the Court enter a conditional certification and collective action order, although Detel reserved the right to contest final certification. (Rec. Doc. 14) On June 23, 2016, the Court granted the parties' motion and issued a Conditional Certification and Collective Action Notice Order. (Rec. Docs. 22 and 23) A total of nine individuals opted-in to this lawsuit and agreed to be represented by Mr. Riddle and Plaintiff's counsel. Since then, two opt-in plaintiffs have withdrawn from the collective action. (Rec. Doc. 26)

4.

Following two months of negotiation, the parties were able to reach a settlement and agreed to enter into a confidential settlement and release agreement to avoid the expense and inconvenience of additional litigation.

5.

The lawsuit involved a *bona fide* dispute over whether Detel failed to properly compensate the Plaintiff and the other alleged similarly situated employees for hours worked in excess of 40 in a workweek. Specifically, the parties disputed the amount of damages, whether Detel's alleged FLSA violations were willful, and whether liquidated damages should be assessed.

6.

After the parties exchanged relevant records and data, a settlement was reached

after arm's length and good faith negotiations between counsel.

7.

The parties believe that the proposed negotiated settlement is a reasonable and fair resolution of the *bona fide* dispute between them and they jointly seek the Court's approval of this settlement. *See, e.g., Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352-54 (11th Cir. 1982). Because the parties have agreed to maintain the confidentiality of the amount and terms of the settlement, the parties have requested they be allowed to file a copy of the Agreement under seal in connection with the Court's approval of the settlement.

WHEREFORE, Plaintiff and Defendant jointly request that the Court enter an order approving the parties' confidential settlement and release agreement and dismissing this action with prejudice.

Respectfully Submitted:

/s/ Matthew S. Parmet
Matthew S. Parmet (#32855)
David I. Moulton (Texas #24051093)
(admitted *pro hac vice*)
BRUCKNER BURCH PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Telephone: 713.877.8788
Facsimile: 713.877.8065
mparmet@brucknerburch.com
dmoulton@brucknerburch.com

***Attorney for John Riddle, Individually and
on Behalf of Others Similarly Situated***

Respectfully Submitted:

/s/ Erin L. Kilgore

A. Edward Hardin, Jr. (#25079)
edward.hardin@keanmiller.com
Scott D. Huffstetler (#28615)(T.A.)
scott.huffstetler@keanmiller.com
Erin L. Kilgore (#31244)
erin.kilgore@keanmiller.com
Chelsea M. Gomez (#35147)
Chelsea.Gomez@keanmiller.com
KEAN MILLER LLP
II City Plaza
400 Convention Street, Suite 700 (70802)
Post Office Box 3513
Baton Rouge, Louisiana 70821
Telephone: (225) 387-0999
Facsimile: (225) 388-9133

Counsel for Defendant, Detel Wireless, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system:

Matthew S. Parmet (#32855)
BRUCKNER BURCH PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Telephone: 713.877.8788
Facsimile: 713.877.8065
mparmet@brucknerburch.com

Baton Rouge, Louisiana this 1st of March, 2017.

/s/ Erin L. Kilgore

Erin L. Kilgore